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JUN 02 2005  
DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

In re Application of: Honda, et al.  
Application No. 10/749,411  
Filed: 2 January 2004  
For: VIRTUALIZATION CONTROLLER,  
ACCESS PATH CONTROL METHOD AND  
COMPUTER SYSTEM

DECISION ON PETITION  
FOR ACCELERATED  
EXAMINATION UNDER  
M.P.E.P. § 708.02(VIII)

This is a decision on the petition filed 11 March 2005 under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition filed 11 March 2005 fails to adequately meet requirement (e) as set forth above. Responsive to requirement (e), applicant must provide a “detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.” Petitioner should ensure that the above discussion is directed to *how the language of each of the independent claims are specifically distinguishable and patentable from the references* provided pursuant to requirement (d) supra.

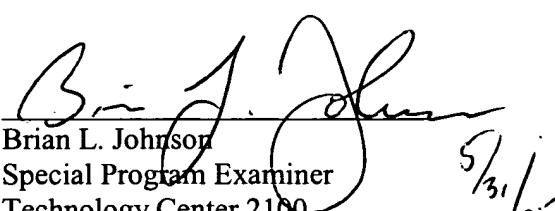
Applicant’s petition fails to discuss the **claimed limitations** with respect to the references in accordance with the requirements of 37 CFR 1.111 (b) and (c). The petition summarizes the invention, and then it goes on to “briefly” discuss the prior art references. The discussion furnishes characteristics of each of the identified references, but Petitioner does not point out how the claimed limitations (with the requisite specificity) could be patentable over each reference. Petitioner’s discussion merely offers certain claim language at the end of each reference description, and then concludes the treatment of each of the references with the same assertion, that the given prior art “does not teach or suggest one or more of the first, second, third and fourth features of the present invention as described above.”

Petitioner must show, with respect to each reference, how the claimed subject matter distinguishes from the prior art in accordance with the requirements of 37 CFR 1.111 (b) and (c). In this case, the petitioner has furnished a description of each of the cited prior art references, but this discussion of each of the references does not detail or particularly point out “how the claimed subject matter is patentable over the references.”

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner’s docket to await treatment on the merits in the normal order of examination.

  
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